



Council of the Cherokee Nation

Cherokee Nation Tribal
Council
17763 S. Muskogee Ave.
Tahlequah, OK 74464

Legislation Details (With Text)

File #:	CNCA-31	Version:	1	Name:	TITLE 31 - HERITAGE AND CULTURE
Type:	Cherokee Nation Code	Status:	Passed		
File created:	1/1/2014	In control:	TRIBAL COUNCIL		
On agenda:	N/A	Final action:	N/A		
Enactment date:	N/A	Enactment #:	N/A		
Title:	TITLE 31 - HERITAGE AND CULTURE				
Sponsors:	N/A				
Indexes:	CNCA, Code				
Code sections:	Title 31 - Heritage and Culture				
Attachments:	1. TITLE 31 - Heritage and Culture.pdf				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TITLE 31 - HERITAGE AND CULTURE Code of Federal Regulations

Establishment of roadless and wild areas on Indian reservations, see 25 C.F.R. § 265.1 et seq.

Indian arts and crafts trademark regulations, see 25 C.F.R. § 308.1 et seq.

Protection of archaeological resources, see 25 C.F.R. § 262.1 et seq.

Protection of Indian arts and crafts products, see 25 C.F.R. § 309.1 et seq.

United States Code

Cultural and heritage cooperation authority, see 25 U.S.C. § 3051 et seq.

National scenic and national historic trails, see 16 U.S.C. § 1244.

Native American graves protection and repatriation, see 25 U.S.C. § 3001 et seq.

Native American languages act, see 25 U.S.C. § 2901 et seq.

Promotion of social and economic welfare, see 25 U.S.C. § 305 et seq.

CHAPTER 1

GENERAL PROVISIONS

§ 101. Short title and purpose

The purpose of this act is to provide for promotion and preservation of Cherokee language, history and culture. It will be commonly referred to and may be cited as the Cherokee Nation Language and Cultural Preservation Act. This act is in recognition that the survival of a people is dependent upon their capacity to preserve and protect their culture and language. This act further promotes the acculturation of tribal youth through education about their history, language and culture and establishes tribal policy for the promotion and preservation of the Cherokee language and culture.

History

Source. LA 10-91, eff. July 13, 1991.

Library References

Indians <KEY>126, 210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53, 57 to 59, 66 to 72.

§ 102. Establishment of official languages

Cherokee Nation does hereby officially establish both Cherokee and English as official languages for the tribe. The encouraged use of these languages is as follows:

1. Tribal government. Any tribal citizen may speak in Cherokee or English in communicating with tribal government with regard to any programs or services provided. Any tribal citizen may use either Cherokee or English languages to communicate with the Tribal Council in any officially called meeting of the Council on any occasion on which said person may be recognized to speak.
2. Translation services. In any situation in which translation into English is deemed necessary or appropriate for persons using Cherokee language as defined in subsection (A) of this section, translation services may be provided.

History

Source. LA 10-91, eff. July 13, 1991.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 103. Language maintenance

It shall be the policy of Cherokee Nation to take the leadership to maintain and preserve the Cherokee language as a living language. Such efforts shall include but not be limited to:

1. efforts to involve tribal citizens to the greatest extent possible in instruction in Cherokee language;
2. establishment of a permanent Cherokee Language Program as a support unit for all programs and services within Cherokee Nation subject to such funding limitations as may exist from year to year;
3. encouraging the use of Cherokee language in both written and oral form to the fullest extent possible in public and business settings;
4. encouraging creation and expansion of the number, kind and amount of written materials in the Cherokee language and official encouragement for the development of materials on, by or through Cherokee Nation service programs.

History

Source. LA 10-91, eff. July 13, 1991.

Amended. LA 2-95, eff. April 10, 1995.

Library References

Indians <KEY>140, 210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 56 to 59, 66 to 72.

§ 104. Education

Cherokee Nation promotes the use of both the Cherokee and English languages to the fullest extent possible within tribal, local, state and federal educational institutions, agencies and programs. It is therefore the policy of the Cherokee Nation:

1. To work with all schools, state and federal agencies and others to encourage that those schools which serve large percentages of Cherokee students adequately and fairly represent the language, history and culture of the tribe in the instructional, administrative and social processes of the school.
2. To the greatest extent possible within budgetary limitations, provide summer, evening, weekend and other tribal programs, for instruction of children and adults who have an interest in cultural education.
3. To provide instruction in Cherokee language at the preschool level in programs operated by Cherokee Nation of Oklahoma.
4. To recognize certain tribal elders and talented tribal citizens as knowledgeable in the culture, language, history and related skills of Cherokee Nation. These people may be recognized as "Eminent Persons" who may be employed in positions related to culture, language and history and may be paid for their educational services.
5. To oppose biased, stereotypic and/or derogatory depiction of Cherokees or American Indians within education institutions or wherever such representations which work to lower the self-esteem of Cherokee youth

may be found.

History

Source. LA 10-91, eff. July 13, 1991.

Library References

Indians <KEY>140.

Westlaw Topic No. 209.

C.J.S. Indians § 56.

§ 105. Employment

Cherokee Nation acknowledges the need to provide bilingual clerical and other staff in programs and positions which call for extensive public contact with tribal citizens. Given the need to assure that the Cherokee language may be used in the workplace for conduct of business between Cherokee-speaking tribal citizens and staff of Cherokee Nation and to promote good role modeling by Cherokee Nation staff, the following policies are adopted:

1. All Cherokee Nation personnel shall become more knowledgeable in Cherokee history, language and culture.
2. Cherokee Nation will provide an educational program for all Cherokee Nation employees in the history, language, and culture of Cherokee Nation to become more knowledgeable in these subjects. This program will provide information which will promote pride and tribal identity and respect for tribal government and Cherokee people.

History

Source. LA 10-91, eff. July 13, 1991.

Library References

Indians <KEY>224.

Westlaw Topic No. 209.

CHAPTER 2

ART AND FACILITIES

§ 201. Short title

This act shall be known and may be cited as the Cherokee Art and Facilities Act of 2005.

History

Source. LA 25-05, eff. August 12, 2005.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 202. Purpose

The purpose of this act is earmark a percentage of construction or renovation cost on all facilities built by the Cherokee Nation (and its wholly-owned/majority owned businesses) to be used for historically and culturally appropriate artwork done by Cherokee Nation citizens.

History

Source. LA 25-05, eff. August 12, 2005.

Library References

Indians <KEY>210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 57 to 59, 66 to 72.

§ 203. Definitions

For purposes of this chapter:

1. **"Cherokee Nation citizen"** means a citizen of Cherokee Nation as determined by the Cherokee Nation Registration office.
2. **"Cherokee Nation facility"** means any building or property owned or under construction by or for the Cherokee Nation, or subject to or under a long-term lease to the Nation in which the nation is investing its own capital for new construction or improvements to existing facilities, or any property owned or under construction by or for any business in which the Cherokee Nation is a sole or majority shareholder, or subject to or under a long-term lease to such business in which the business is investing its own capital for new construction or improvements to existing facilities.
3. **"Construction or renovation"**. This act applies to any new construction or any renovation to an existing facility, the cost of which exceeds Five Hundred Thousand Dollars (\$500,000.00).

History

Source. LA 25-05, eff. August 12, 2005.

Amended. LA 01-07, eff. February 25, 2007.

§ 204. Historically and culturally appropriate artwork in Cherokee Nation facilities and properties

For any construction or renovation to an existing Cherokee Nation facility or property, or any facility or property in which the Cherokee Nation is the sole or majority shareholder, the budget of such project shall set aside one percent (1%) of the total cost of construction or renovation for artwork that is historically and culturally appropriate for the facility and provided that the artwork is designed and created by Cherokee Nation citizens. The facility being built or renovated must be suitable to housing and displaying art. If said facility is found not suitable to housing or displaying art the one percent (1%) of the construction budget referred to in this act shall be set aside for distribution to me an appropriate Cherokee Nation-owned facility capable of housing and displaying art.

Such artwork may include, but is not limited to: sculpture, painting, carving, beadwork, basketry, traditional crafts, culturally appropriate landscaping and any other media of Cherokee art deemed to be cultural, historic, or traditional. Expenditures under this act may include the cost of the appropriate display and installation of said art work.

The Principal Chief shall designate the appropriate office within the Executive Branch whose responsibility will be to make the determination of which artwork is appropriate under this act.

History

Source. LA 25-05, eff. August 12, 2005.

Amended. LA 01-07, eff. February 25, 2007.

Library References

Indians <KEY>144, 210.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53, 57 to 59, 66 to 72.

CHAPTER 3

ARTS AND CRAFTS COPYRIGHT

§ 301. Short title

This act shall be known and may be cited as the Cherokee Nation Arts and Crafts Copyright Act Amendment of 2012.

History

Source. LA 19-07, eff. June 22, 2007.

Amended. LA 42-12, eff. December 16, 2012.

Library References

Copyrights and Intellectual Property <KEY>1.

Westlaw Topic No. 99.

C.J.S. Copyrights and Intellectual Property §§ 1, 3.

§ 302. Purpose

The purpose of this act is to prevent the purchase of copyrights of works of art by the Cherokee Nation or its entities in the initial purchase of the work of art and to ensure that policies shall be created by Cherokee Nation and its affiliated entities to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this act.

History

Source. LA 19-07, eff. June 22, 2007.

Amended. LA 42-12, eff. December 16, 2012.

Library References

Copyrights and Intellectual Property <KEY>1.

Westlaw Topic No. 99.

C.J.S. Copyrights and Intellectual Property §§ 1, 3.

§ 303. Definitions

A. **"Arts and crafts"** means any traditional or contemporary skill or creative work of graphics, painting, sculpture, music, writing, basketry, jewelry, pottery, metalwork, photography, or other crafts or media that an artist chooses to produce works of art from.

B. **"Cherokee Nation"** means the Cherokee Nation Government located at Tahlequah Oklahoma and all departments and agencies thereof.

C. **"Cherokee Nation entities"** means any corporation, company, business or other entity in which Cherokee Nation owns a majority interest.

History

Source. LA 19-07, eff. June 22, 2007.

Amended. LA 42-12, eff. December 16, 2012.

§ 304. Purchase of copyright prohibited

A. In the event Cherokee Nation or its affiliated entities request bids for arts or crafts or Solicit for the purchase of art and crafts the purchase of copyrights of the item is prohibited in the initial sale.

B. Cherokee Nation and its affiliated entities shall establish policies to include in their contracts in purchasing arts and crafts to avoid any prohibitions of this act.

History

Source. LA 19-07, eff. June 22, 2007.

Amended. LA 42-12, eff. December 16, 2012.

Library References

Copyrights and Intellectual Property <KEY>38.5, 41, 43.

Indians <KEY>141(1), 142(1).

Westlaw Topic Nos. 99, 209.

C.J.S. Copyrights and Intellectual Property §§ 22 to 24, 26 to 29, 31 to 32, 75, 146, 150.

C.J.S. Indians §§ 11, 36 to 38.

CHAPTER 4

TRUTH IN ADVERTISING FOR NATIVE ART

§ 401. Short title

This act shall be known and may be cited as the Cherokee Nation Truth in Advertising for Native Art Act.

History

Source. LA 01-08, eff. March 20, 2008.

Library References

Indians <KEY>126.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53.

§ 402. Purpose

The purpose of this act is to establish guidelines for the purchase, promotion and sale of genuine Native American arts and crafts within Cherokee Nation and by Cherokee Nation entities. This act is further intended

to encourage and allow Cherokee artists to be diverse, creative as well as traditionally influenced and to continue the use of traditional materials as well as use new mediums.

History

Source. LA 01-08, eff. March 20, 2008.

Library References

Indians <KEY>126.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53.

§ 403. Definitions

A. **"Art"** is an object or action that is made with the intention of stimulating the human senses as well as the human mind and/or spirit regardless of any functional uses. For purposes of this act, **"art"** also includes crafts, handmade items, traditional storytelling, contemporary art or techniques, oral histories, other performing arts and printed materials.

B. **"Cherokee Nation"** means the government, its agencies and instrumentalities, including but not limited to Cherokee Nation Businesses, Cherokee Nation Enterprises, Cherokee Nation Industries and Housing Authority of Cherokee Nation, any component units of Cherokee Nation and any entities in which Cherokee Nation is the sole or majority stockholder or owner.

C. **"Indian"** means a citizen or member, not individually adopted, of a federally recognized Indian entity evidenced under the Federally Recognized Indian Tribe List Act of 1994, PL 103-454, November 2, 1994, 25 U.S.C. § 479a, as amended.

D. **"Indian art"** means art produced by an Indian.

E. **"Indian artist"** means an Indian who produces art.

History

Source. LA 01-08, eff. March 20, 2008.

United States Code

Protection of Indians and conservation of resources, definitions, see 25 U.S.C. § 479a.

§ 404. Authentic Indian art-Registry-Inventory

A. Cherokee Nation shall not knowingly offer for sale art that is produced by individuals who falsely claim, imply, or suggest that they are Indian.

B. Cherokee Nation shall not host, sponsor, fund, or otherwise devote or contribute any resource to art exhibits

allowing the exhibition of works by artists who falsely claim, imply, or suggest that they are Indian.

C. The Tribal Employment Rights Office (TERO) shall maintain a voluntary registry of Cherokee artists and their contact information.

D. The Principal Chief shall cause to be published an inventory of all Indian art owned by Cherokee Nation, and such listing shall be accessible to the public.

E. The Principal Chief shall cause to be developed a label or other form of identification to be placed upon or with any Indian art or craft sold by Cherokee Nation or its entities. This is to ensure and identify the object being sold as authentic Indian art.

F. The Principal Chief shall cause to be published an inventory of all Indian art owned by Cherokee Nation, except for art held for resale in retail stores or warehoused for such purpose, and such listing shall be a public record pursuant to the Freedom of Information and Right of Privacy Act, 67 CNCA § 101 et seq.

History

Source. LA 01-08, eff. March 20, 2008.

Library References

Indians <KEY>126, 144.

Westlaw Topic No. 209.

C.J.S. Indians §§ 46 to 50, 53.